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Counsel for Defendants

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SOLID 21, INC.,

Plaintiff,

-against-

RICHEMONT NORTH AMERICA, INC.,
RICHEMONT INTERNATIONAL S.A., and
MONTBLANC-SIMPLO GMBH,

Defendants.

Case No. 1:19-cv-1262 (LGS)

OMNIBUS NOTICE OF DEFENDANTS' MOTIONS IN LIMINE

PLEASE TAKE NOTICE THAT, Defendants Richemont North America, Inc., Richemont International S.A., and Montblanc-Simplo GmbH (collectively, "Defendants"), by and through their undersigned counsel, shall move this Court before the Honorable Lorna G. Schofield, United States District Judge for the Southern District of New York, located at Thurgood Marshall United States Courthouse, 40 Foley Square, Courtroom 1106, New York, New York 10007, at such time as the Court may hereafter determine, for an order granting Defendants motions *in limine* to exclude the following at trial: (1) evidence of damages relating to prejudgment interest; (2) evidence of subsequent remedial measures taken by Defendants with respect to their use of the term "red gold"; (3) evidence relating to intra-company sales, including from Richemont

International S.A. and Montblanc-Simplo GmbH to their affiliated distributor in the United States, Richemont North America, Inc.; (4) evidence relating to Defendants’ use of the term “red gold” that was found to be fair use by this Court in its Order dated June 8, 2020 (ECF No. 91); (5) testimony and expert report of Plaintiff’s expert witness Duvall O’Steen; and (6) testimony and expert report of Plaintiff’s rebuttal expert witness Eugene P. Ericksen solely to the extent that it relates to his own “genericness” survey.

PLEASE TAKE FURTHER NOTICE THAT in support of their motions *in limine*, Defendants rely upon the following documents and exhibits, filed contemporaneously herewith:

- Letter Motion to File Redacted Versions of Defendants’ Memoranda of Law in Support of Motions In Limine Nos. 1, 3, 5-6 and to Seal Exhibits A, C, and D to the Nuzzaci Declaration Filed in Support Thereof;
- Defendants’ Memorandum of Law in Support of Motion In Limine No. 1 (concerning prejudgment interest);
- Defendants’ Memorandum of Law in Support of Motion In Limine No. 2 (concerning subsequent remedial measures);
- Defendants’ Memorandum of Law in Support of Motion In Limine No. 3 (concerning intra-company sales);
- Defendants’ Memorandum of Law in Support of Motion In Limine No. 4 (concerning Defendants’ use of “red gold” that constitutes fair use);
- Defendants’ Memorandum of Law in Support of Motion In Limine No. 5 (concerning testimony and expert report of Duvall O’Steen);
- Defendants’ Memorandum of Law in Support of Motion In Limine No. 6 (concerning testimony and expert report of Eugene P. Ericksen); and
- Declaration of Daniel M. Nuzzaci in Support of Defendants’ Motions In Limine, dated October 31, 2022.

PLEASE TAKE FURTHER NOTICE THAT, pursuant to Your Honor’s Order dated September 13, 2022 (ECF No. 160), any answering memoranda shall be served no later than November 9, 2022.

Dated: New York, New York
October 31, 2022

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By: /s/ John P. Margiotta

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